

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

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| <b>NORMAN L. NICHOLS, JR.</b>                 | : |  |
|   | : | <b>Civil Action No.<br/>JFM-02-CV-3523</b> |
| <b>Plaintiff</b>                              | : |  |
| <b>v.</b>                                     | : |  |
|   | : |  |
| <b>CAROLINE COUNTY BOARD<br/>OF EDUCATION</b> | : |  |
| <b>Defendant</b>                              | : |  |
|   | : | :  |
|   | : | :  |

**PLAINTIFF'S MOTION TO FILE SURREPLY TO DEFENDANT'S REPLY  
TO PLAINTIFF'S OPPOSITION TO MOTION TO FOR SUMMARY  
JUDGMENT**

Plaintiff, by his attorney, Frederick P. Charleston, Esq., pursuant to Local Rule 105 (2)(a), respectfully moves the court to permit him to file a Surreply to Defendant's Reply To Plaintiff's Opposition to Defendant's Motion For Summary Judgment by January 27, 2004, and as grounds therefore, asserts:

1. Defendant's Reply was received by counsel for Plaintiff on January 14, 2004.
2. Certain representations made by Defendant warrant a response from Plaintiff so that the record will be more fully developed before the Court rules on the motion for summary judgment.
3. Since Plaintiff nonetheless retains the burden of proof in this civil rights proceeding (despite having his version of the facts believed at this juncture), it would be appropriate and prudent to allow Plaintiff to have the last word before the Court rules.

Wherefore, for the reasons set forth above, or for whatever other reasons the Court deems just and proper, Plaintiff requests the Court permit him to file a Surreply by January 27, 2004.

Respectfully Submitted,

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/s/  
Frederick P. Charleston, Esq.  
Attorney at Law  
Fed. Ct. Bar No. 02933  
2530 N. Charles St., Suite 201  
Baltimore, Maryland 21218  
(410) 662-0010

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14th day of January, 2004, a copy of the foregoing Plaintiff's Motion To File Surreply To Defendant's Reply To Plaintiff's Opposition To Motion For Summary Judgment was served via facsimile and mailed first class, postage prepaid, to Steven B. Schwartzman, Esq., and Leslie Robert Stellman, Esq., Hodes, Ulman, Pressin & Katz, 901 Dulaney Valley Road, Towson, MD. 21204.

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/s/  
Frederick P. Charleston, Esq.